

SENATE BILL 616
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 41,
relative to overcrowding in jails.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-8-104, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c)

(1) The commissioner shall enter into contracts with those counties approved for participation in this program only on an annual basis.

(2) Prior to entering into a contract with an approved county pursuant to this section, the commissioner shall make a written determination that no facility in the county in which state inmates would be held pursuant to this chapter has an in-house population which has for thirty (30) consecutive days exceeded ninety-five percent (95%) of the relevant designated capacity, and that no reasonable grounds exist to believe that within the period of the contract, the in-house population will, for at least thirty (30) consecutive days, exceed ninety-five (95%) of the relevant designated capacity. No contract entered into pursuant to this section shall be valid unless the commissioner makes such written determination prior to the execution of the contract.

(3) Except as otherwise provided in this chapter, the exercise of such discretion shall not be reviewable in any other forum so long as the counties are selected in accordance with the procedures established by this chapter and the rules adopted pursuant to it.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.